

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America
v.

Robert Anthony PETTY

Case No. 2:23-mj-38

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 12, 2023 in the county of Pike in the
Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

18USC922(g)(1)

Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Janna Penfield

Complainant's signature

Janna Penfield, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: January 23, 2023

City and state: Columbus, Ohio

Kimberly A. Johnson
Kimberly A. Johnson

United States Magistrate Judge



AUSA Shimeall

AFFIDAVIT

Your Affiant, Janna Penfield, deposes and states:

1. Your Affiant is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), United States Department of Justice, and has been so employed since August 2018. Prior to becoming a Special Agent with ATF, I was a United States Probation Officer with the United States Probation Department through the Southern District of Ohio from October 2014 through January 2018. Additionally, from August 2007 through October 2014, I was a Parole Officer through the State of Ohio, which included a special assignment position with the United States Marshal Service as a Task Force Officer on the Southern Ohio Fugitive Apprehension Strike Team. I have completed the Federal Criminal Investigator Training Program and the ATF Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia. I have also completed the Initial Pretrial and Probation Training Program at the Federal Law Enforcement Training Center in Charleston, South Carolina, and the State of Ohio Parole Academy in Columbus, Ohio. In addition to the firearms, arson, and explosives-related training received in these courses, Your Affiant has also conducted and participated in numerous investigations involving firearms, firearms trafficking, and narcotics.

2. This Affidavit is being submitted for the limited purpose of establishing probable cause that Robert Anthony PETTY has violated Title 18 United States Code Section 922(g)(1), Felon in Possession of a Firearm. The statements contained in this Affidavit are derived from information provided to me by members of the Ross County Sheriff’s Department

(RCSO) as well as my own investigation of this matter. This Affidavit does not include every fact known to me regarding this investigation but seeks to summarize relevant information.

PROBABLE CAUSE

A. January 12, 2023 – 5255 Denver Road, Waverly, Ohio 45690

3. On or about January 12, 2023, Deputies with RCSO were dispatched to 5255 Denver Road, Waverly, Ohio on the report of a domestic dispute. Upon arrival, Deputies met with an Ohio State Highway Patrol Trooper who was on scene speaking with Shawndra Gilliam and Shane Petty. The Deputy and Trooper noticed Ms. Gilliam had a purple bruise on her right eye along with a cut above her eyebrow. Ms. Gilliam advised that Shane's brother, Robert PETTY, hit her the day before. Ms. Gilliam and Shane Petty informed the Deputies and Trooper that Robert PETTY had firearms inside the residence along with a juvenile. Robert PETTY was ordered to come outside of the residence, to which he complied, and brought his four-year-old son outside. At that time, everyone on scene advised that Ms. Gilliam recently purchased a Glock firearm and Robert PETTY took her to purchase the firearm. Additional information was provided to law enforcement that Robert PETTY had other firearms inside the residence to include an AR-15-style rifle, and that Robert PETTY was distributing marijuana. Whenever Robert PETTY exited the residence to speak with law enforcement, law enforcement could smell a strong odor of marijuana. The smell became stronger the closer law enforcement got to the front door. Finally, when law enforcement were holding the four-year-old child, a strong odor of marijuana was emitting from the child's clothes. Robert PETTY informed law enforcement he was currently on Federal Probation.¹ Therefore, a search warrant was obtained for the aforementioned residence.

¹ It should be noted that S/A Penfield verified with the United States Probation Office in the Southern District of Ohio that the residence of 5255 Denver Road in Waverly, Ohio is the approved residence for Robert PETTY.

4. While the search warrant was being obtained, law enforcement conducted interviews of Shane Petty, Ms. Gilliam, and Robert PETTY. Shane explained that the day before, on or about January 11, 2023, Robert PETTY walked into Shane and Shawndra's room and told Shane the police were outside looking for him (Shane). Robert PETTY told Shane to go into his (Robert's) room. Once Shane walked inside Robert's room, Robert PETTY shut the door and Shane heard what sounded like a lock on the door. At some point Shane heard Shawndra yelling so he broke down the door and ran into the other room. At that time, Shane observed Robert PETTY with an AR-15-style rifle aimed at Shawndra. When Shane entered the room, Robert PETTY told him, "if you come any closer I'll kill you." Shane advised that Robert PETTY then struck Shawndra in the face while accusing them of stealing money from Robert PETTY. Shane Petty informed law enforcement that Robert PETTY brought them to his residence approximately one week prior and has been using narcotics ever since. Shane Petty then advised that Robert PETTY forced them (Shane and Shawndra) to drive to Rural King in Chillicothe and then forced Shawndra to purchase a firearm for him.

5. Robert PETTY was placed under arrest and patted down for officer safety. Robert PETTY had \$6,700 in U.S. currency on his person. Robert PETTY was read his Miranda Warning, stated that he understood them, and was willing to answer any questions. When asked about the firearm purchase, Robert PETTY claimed Shane Petty and Ms. Gilliam purchased the firearm. Robert PETTY denied going into the store. Robert PETTY admitted to officers that marijuana was inside the residence.

PETTY's supervised release officer has visited with Robert PETTY at this residence and advised Robert PETTY is the sole occupant of the home, besides his four-year-old son.

6. During the interview with Ms. Gilliam, she explained that Robert PETTY made her purchase the firearm, a Glock, for him, and that Robert PETTY stood by her the entire time inside Rural King. Ms. Gilliam also stated that when she attempted to call 911, Robert PETTY hit her and took the phone out of her hand. Ms. Gilliam advised that Robert PETTY struck her in the face while he was accusing her of stealing money from him.²

7. A result of the search warrant, RCSO seized the following items: three plastic bags containing marijuana buds; a Glock-manufactured, model 22GEN5, .40 caliber pistol bearing serial number BUZF631, loaded with 15 rounds of ammunition; 19 additional rounds of ammunition; a vape pen wrapped in foil; a Diamond Back-manufactured, model DB15, multi caliber rifle bearing serial number DB2473923; U.S. currency; a glass jar containing marijuana buds; an iPhone with red cover; a dark red iPhone; six jars of THC paste; and a notebook ledger.

8. Robert PETTY was charged with Abduction, Assault, and Having Weapons While Under Disability in Ross County Municipal Court (Docket Number CRA2300099). While being transported to the jail, Robert PETTY told law enforcement that the smell of marijuana was from him (PETTY) “smoking a blunt” on the porch while the Deputies were still on scene.

9. Further information revealed that Ms. Gilliam did purchase the above-listed Glock firearm on or about January 11, 2023, at Rural King in Chillicothe. Surveillance video shows Robert PETTY inside the store with Ms. Gilliam, as she described to law enforcement during her interview. Additionally, Robert PETTY is observed in this video pointing to the

² As indicated in paragraph # 3 of this Affidavit, Ms. Gilliam had a large bruise around her eye. Additionally, Ms. Gilliam showed law enforcement a photograph she took the day before, verified by law enforcement, of her eye. When Deputies were present at the residence on January 12, 2023, the bruise surrounding her eye had increased in comparison to the photograph.

firearm case, as if he is pointing to the firearm he wanted to purchase, and then walking over to a shelf with ammunition. Robert PETTY grabbed two boxes of ammunition from this shelf and took the two boxes to Ms. Gilliam for her to purchase.

10. Robert PETTY has prior convictions in Franklin County Court of Common Pleas on April 17, 2009, for Possession of Drugs (F4) and Tampering With Evidence (F3), Case Number 08CR7559; on August 13, 2007, for Receiving Stolen Property (F4), Case Number 06CR6178; and in the United States District Court for the Southern District of Ohio on April 4, 2019, for Unlawful Possession of a Firearm in violation of Title 18 United States Code Section 922(g)(1), Docket Number 2:18CR53(4).

B. January 20, 2023 – INTERSTATE NEXUS DETERMINATION

11. On or about January 20, 2023, Special Agent Janna Penfield spoke with ATF Interstate Nexus Expert Special Agent Jason Burns who was informed about the aforementioned firearm, and he provided a verbal determination that Glock and/or Diamond Back firearms are not manufactured in the State of Ohio. Thus, both firearms—the Glock-manufactured, model 22GEN5, .40 caliber pistol bearing serial number BUZF631, and the Diamond Back-manufactured, model DB15, multi-caliber rifle bearing serial number DB2473923—must have traveled in interstate commerce to be found in the State of Ohio.

C. CONCLUSION

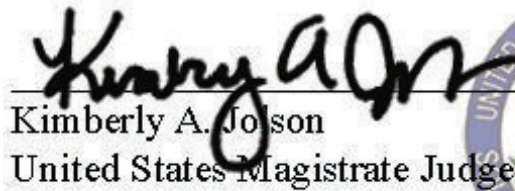
12. Based upon the above-listed facts and circumstances, Your Affiant believes and asserts that there is probable cause to believe that on or about January 12, 2023, Robert PETTY did unlawfully, knowingly, possess firearms in and affecting interstate commerce after having been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of Title 18, United States Code, Section 922(g)(1).

13. The above violation was committed in the Southern District of Ohio, Eastern Division. Your Affiant requests that an arrest warrant be issued for Robert Anthony PETTY.



Janna Penfield, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

This Affidavit was sworn to by the Affiant by telephone after a PDF was transmitted by email, per Crim R. 3, 4(d), and 4.1 on this 23rd day of January 2023.


Kimberly A. Tolson
United States Magistrate Judge

